

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 0:24-cv-60508-LEIBOWITZ/AUGUSTIN-BIRCH

DIEGO MARTIN SOSA CLARET, *et al.*,

Plaintiffs,

v.

TOSCANA PIZZA & GRILL, LLC, *et al.*,

Defendants.

ORDER ADOPTING MAGISTRATE’S REPORT AND RECOMMENDATION

THIS MATTER was referred to United States Magistrate Judge Panayotta D. Augustin-Birch for a report and recommendation on Plaintiffs’ Amended Motion for Default Judgment (the “Motion”) [ECF No. 57]. [See ECF No. 55]. Judge Augustin-Birch has since issued a Report and Recommendation (the “R&R”), recommending that this case be remanded to the 17th Judicial Circuit in and for Broward County, Florida, for lack of jurisdiction. [ECF No. 61]. The parties did not file any objections to the R&R, and the time for doing so has passed. After careful review of the R&R, the filings, the applicable law, and the record, the Court ADOPTS and AFFIRMS the Report and Recommendation [ECF No. 61].

“In order to challenge the findings and recommendations of the magistrate judge, a party must file written objections which shall specifically identify the portions of the proposed findings and recommendation to which objection is made and the specific basis for objection.” *Macort v. Prem, Inc.*, 208 F. App’x 781, 783 (11th Cir. 2006) (cleaned up). The objections must also present “supporting legal authority.” S.D. Fla. L. Mag. J.R. 4(b). Once a district court receives “objections meeting the specificity requirement set out above,” it must “make a *de novo* determination of those portions of the


report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge.” *Macort*, 208 F. App’x at 783–84 (cleaned up). To the extent a party fails to object to parts of the magistrate judge’s report, those portions are reviewed for clear error. *Id.* at 784 (cleaned up).

Upon this review, the Court finds no clear error; therefore, the Court adopts the R&R in its entirety.

Accordingly, it is hereby **ORDERED AND ADJUDGED:**

1. The Report and Recommendation [ECF No. 61] is **ADOPTED** and **AFFIRMED**.
2. Plaintiff’s Amended Motion for Default Judgment [ECF No. 57] is **DENIED**.
3. *The Clerk* is DIRECTED to **REMAND** this case to the 17th Judicial Circuit in and for Broward County, Florida, and to **CLOSE** this case.
4. All pending motions, if any, are **DENIED AS MOOT**.

DONE AND ORDERED in the Southern District of Florida on April 22, 2025.


DAVID S. LEIBOWITZ
UNITED STATES DISTRICT JUDGE

cc: counsel of record